OIPE JC182 APR 18 2005 PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Yu-Ju Liu et al. Art Unit : 1645
Serial No. : 10/684,105 Examiner : Lakia J. Tongue
Filed : October 10, 2003
Title : ACID- AND BILE SALT-RESISTANT LACTOBACILLUS ISOLATES HAVING THE ABILITY TO LOWER AND ASSIMILATE CHOLESTEROL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF AVAILABILITY

I, Y. Rocky Tsao, hereby declare:

1. I am an attorney of record in the above-captioned patent application.

2. The Food Industry Research and Development Institute (No. 331, Shi-Pin Rd., Hsin-Chu City, Taiwan, ROC) is the assignee of the entire right, title and interest in the invention described and claimed in the above-captioned patent application.

3. Under the terms of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purpose of Patent Procedure, six (6) strains of this invention, i.e., Lactobacillus gasseri: C21T1, Lactobacillus gasseri: X21B7, Lactobacillus gasseri: B38T38, Lactobacillus acidophilus: B6T7, Lactobacillus gasseri: B21T1, and Lactobacillus gasseri: B21T6, were deposited by co-inventor Chii-Cherng Liao on June 21, 2002 with the American Type Culture Collection, 10801 University Blvd., Manassas, VA 20110-2209, USA, where they were given Accession Numbers PTA-4479, PTA-4480, PTA-4481, PTA-4482, PTA-4483, and PTA-4484, respectively. The deposited strains were in the possession of Chii-Cherng Liao at the time of filing of the above-captioned application.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

April 13, 2005
Date of Deposit

Anne Ru
Signature

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